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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,321	03/26/2001	Jeffrey Leigh Wells	0011-0366P	8577

2292 7590 07/22/2003

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EXAMINER
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MAYES, MELVIN C

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 07/22/2003

*CS*

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

09/816,321

Applicant(s)

WELLS ET AL.

Examiner

Melvin Curtis Mayes

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-13, 15-18, 20-36 and 38-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8, 15 and 38-47 is/are allowed.
- 6) ☒ Claim(s) 2-4, 9-13, 18, 20, 21, 28 and 48 is/are rejected.
- 7) ☒ Claim(s) 16, 17, 22-27 and 29-36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 14 April 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

(1)

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 13, 2003 has been entered.

### ***Claim Interpretation***

(2)

Claims 2, 21 and 48 claim a system comprising "a dry sheet media." This limitation does not refer back to the "a dry sheet media" containing an encapsulated adhesive mentioned in the intended use phrase of the preamble of the claims. Thus "a dry sheet media" as claimed in not limited to a dry sheet media containing an encapsulated adhesive. The phrase "for releasing the encapsulated adhesive as the dry sheet media is moved past" is intended use language that imparts no additional structure to the activator blade. The claims are thus being examined as a system comprising a dry sheet media, a feeder and an activation device or activator blade. If Applicant intends the system to comprise the dry sheet media of the preamble, the claims could read "comprising: the dry sheet media containing an encapsulated adhesive" to refer back to the dry sheet media of the preamble.

***Claim Rejections - 35 USC § 102***

(3)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(4)

Claim 48 is rejected under 35 U.S.C. 102(e) as being anticipated by Kawada  
2002/0148556.

Kawada discloses a hand labeler comprising: a liner-free tape 4 having an adhesive agent encapsulated and spread on its rear side; a rotary wheel 15a to feed the liner-free tape 4 a predetermined distance equal to a label size; and a press-roll adhesive-activating mechanism 16 for making a length of the tape having an adhesive agent encapsulated and spread on its rear side sticky by pressing and breaking micro-capsules to activate the adhesive agent ([0006]-[0103]).

***Claim Rejections - 35 USC § 103***

(5)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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(6)

Claims 2-4, 9-13, 18, 20, 21 28 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herbet et al. 5,008,133.

Herbet et al. disclose a machine for coating comprising: a paper web 14 to be coated at a coating roll; a back-up roll 16 on which the web runs; and a doctor blade 24 which meters the thickness of the coating applied to the web and serves to fracture microcapsules incorporated in the coating mixture. As shown in Figure 1, the edge of the doctor blade 24 is flat and linear and the blade is at an acute angle to the feed path of the web.

Because the machine has a paper web to be coated, the machine comprises a “dry sheet media” in that the paper web is dry until coated at the coating roll. Herbet et al. discloses a doctor blade which serves to fracture microcapsules on the coated running web and thus discloses a machine comprising an activation device which is an activator blade and which is capable of performing the intended use of releasing in situ microencapsulated adhesive contained in a dry sheet media. The back-up roll opposite the doctor blade is a crushing roller located one a side of the travel path opposite that of the blade, as claimed in Claim 21.

***Allowable Subject Matter***

(7)

Claims 5-8, 15, and 38-47 are allowed.

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(8)

Claims 16, 17, 22-27 and 29-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Conclusion***

(9)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 703-308-1977. The examiner can normally be reached on Mon-Fri 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
Melvin Curtis Mayes  
Primary Examiner  
Art Unit 1734

MCM  
July 18, 2003